REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed April 23, 2008. At the time of the Final Office Action, Claims 9-15 were pending in this Application. Claims 9-13 and 15 were rejected and Claim 14 was objected to. Claim 9 has been amended to further define various features of Applicant's invention. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 112

Claim 9 was rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The originally claims were written using "either/or" language. Applicant amended the current independent claim to be in conformity with current US patent practice using a Markush type language. Applicant believes that this amendment does not introduce any substantial changes to the claims and respectfully requests the Examiner to enter these amendments. The changes also make clear that the data rate can be either the linked data or the separate data elements of load data and identification data depending on whether this step is performed before or after the linking. thus, Applicant believes a person skilled in the art would have no problem understanding the amended claim 1.

Rejections under 35 U.S.C. § 102

Claims 9-13 and 15 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,973,579 issued to Dick et al. ("Dick"). Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir.

1987).   Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).   Applicant respectfully submits that the cited art as anticipated by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

The Examiner stated: "*Dick teaches providing that the data to be transmitted is composed of load data and identification data for identifying a communication device (see col. 2, lines 30-36)*".   (Final Office Action, page 4)   Applicant respectfully disagrees. This passage merely refers to the UE ID (User Equipment Identity) X_{UE}.   However, this specific data is only identification data wherein load data is not mentioned at all.   Even though *Dick* teaches that there are some extra bits along with the UE ID, these additional bits consist merely of zeros.   This, however, clearly can not be interpreted as load data because exclusively zeros cannot transfer any useful information.   Rather these zeros are used in order to have a certain length of the input string.   Otherwise when having a different length the convolutional encoder might not work correctly or deliver desirable results.

The Examiner further stated: "*Dick teaches separately coding the load data and identification data from each other using convolutional coding, wherein a same number of bits is produced after the coding operation for the load data and the identification data (see col. 2, lines 30-38, eight zero bit reads on the same number of bits being produced for the load data and the identification data (see col. 2, lines 30-32 & 51))*."   (Final Office Action, page 4)   Applicant respectfully disagrees. As explained above, the zeros of the extra bits can clearly not be equated with load data. Therefore, Dick does not teach anything with regard to the coding of load data.   But even if one would interpret the extra zeros as "load data", which Applicant does not concede, then the identification data and the extra zeros are not separately coded. The zeros are added at the end of the identification data before convolutional coding (see co!. 2, line 34 "input string", and figure 2A), As is well known, when performing convolutional coding, the bits of the input string are coded together, being interwoven through this convolutional coding.   Therefore, there is no separately coding with regard to the identification data and the extra zeros.

The Examiner further stated "Dick teaches linking the coded load data and the coded identification data with each other via an XOR linking operation (see col. 2, lines 46-55 & 63-65)." Applicant respectfully disagrees. The cited col. 2, lines 46-55 describe the steps of appending the extra zeros to the UE ID before performing convolutional coding. As explained above, the zeros of the extra bits can clearly not be equated with load data. Moreover, the step of appending zeros onto the end of a string is by no means equivalent to an XOR operation. Figure 4 of Dick (col. 2, lines 61-65) refers to the user equipment being the receiver, while all other parts of Dick (as well as our claim) refer to the steps performed by the transmitter. Therefore, this passage cannot disclose any of the steps being performed on the transmitter end.

The Examiner finally stated "Dick teaches matching a rate of the data to the number of bits defined for the physical channel using a rate matching pattern one of immediately before and immediately after the linking operation, the rate matching pattern defining which bits in a data stream are at least one of punctured and repeated, wherein the rate matching pattern for the load data and the identification data is identical (see col. 2, lines 55-60)" Applicant respectfully disagrees. According to our claim, two different data streams (load and identification data) are separately coded. Afterwards, they are linked. Before or after linking them, puncturing is performed. This puncturing fulfils a certain condition (rate matching pattern being identical). According to the passage cited by the Examiner, there is only one data stream undergoing convolutional coding. The step of appending the zeros which the examiner inadmissibly equates with linking via a XOR operation is performed before convolutional coding. Therefore, according to *Dick*, there cannot be an identical rate matching pattern for two data streams.

Hence, *Dick* does not anticipate the present independent claim. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make

further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

Allowable Subject Matter

Applicants appreciate Examiner's consideration and indication that Claim 14 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. However, as stated above, Applicant believes that all pending claims are allowable.

Request for Continued Examination (RCE)

Applicant respectfully submits herewith a Request for Continued Examination (RCE) Transmittal. Applicant authorizes the Commissioner to charge the amount of $810.00 for the required filing fee to Deposit Account No. 50-2148 of Baker Botts L.L.P.

Association of Customer Number and Change of Correspondence Address

Applicants respectfully request that all papers pertaining to the above-captioned patent application be associated with Customer No. **31625**, and direct all correspondence pertaining to this patent application to practitioners at Customer Number **31625**. All telephone calls should be directed to Andreas Grubert at 512.322.2545. A Revocation and POA will be filed shortly.
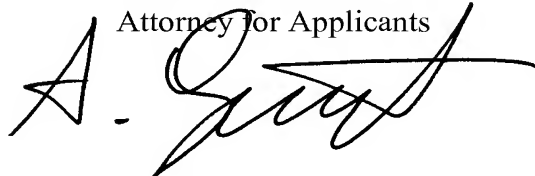
CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no additional fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,
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Date: July 21, 2008

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